

IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF MISSISSIPPI

IN RE: JOSEPH GLEN STRICKLAND
a/k/a JOSEPH G. STRICKLAND
a/k/a JOE STRICKLAND,
Debtor

No.: 20-02683NPO

113 Maison Rue
Vicksburg, Mississippi 39180
SSN: xxx-xx-1902

Chapter 7

MOTION TO AVOID JUDICIAL LIEN

1. The Debtor commenced this case on October 28, 2020 by filing the above-numbered voluntary petition for relief under Chapter 7, Title 11, United States Code, as amended. The Debtor is married; however, his spouse did not join in the voluntary petition filed in this case.

2. This motion is filed pursuant to 11 U.S.C. § 522(f) to avoid and cancel a judicial lien held by the Trustmark National Bank on real property used as the Debtors' residence. The Debtor's residential property is more particularly described as follows, to-wit:

PARCEL ONE: All of Lot 13 of Acadia Ridge, a plat of which is recorded in Plat Book 3 at Page 115 of the Warren County Land Records and being contained therein in Plat Cabinet "A" Slide 200B.

LESS AND EXCEPT that part of Lot 13 of Acadia Ridge more particularly described as follows, to-wit:

Beginning at the Northeast corner of Lot 13 of Acadia Ridge Subdivision, thence along the east boundary of Lot 13 South 01 degrees 03 minutes 20 seconds East 37.46 feet; thence leaving the east boundary of Lot 13 and run South 88 degrees 56 minutes 40 seconds West 13.17 feet; thence run North 02 degrees 26 minutes 10 seconds East 37.53 feet, more or less, to the north boundary of Lot 13; thence along the north boundary of Lot 13 North 88 degrees 56 minutes 40 seconds East 10.88 feet to the point of beginning.

3. In August 2019, the Debtor received a loan of \$35,000.00 from the Trustmark National Bank. The Debtor subsequently defaulted on the terms of the loan and the Trustmark National Bank

obtained a default judgment on July 1, 2020 in a case styled *Trustmark National Bank v. Joseph G. Strickland*, Civil Action No. 20,0311-CO in the County Court of Warren County, Mississippi.

4. The aforementioned default judgment was enrolled in the office of the Circuit Clerk of Warren County, Mississippi at Vicksburg, Mississippi on July 8, 2020. The total amount of the judgment is \$41,406.00.

5. The Debtor's equity interest in the property does not exceed the homestead exemption amount of \$75,000.00 as allowed by § 85-3-21 of the Mississippi Code of 1972, as amended. The Debtor's equity interest in the property has been claimed as fully exempt in his bankruptcy case.

6. The existence of the lien of Trustmark National Bank on the Debtor's real property impairs an exemption to which the Debtor would otherwise be entitled to by law.

WHEREFORE, PREMISES CONSIDERED, the Debtor moves this Court for a final order avoiding and cancelling the judicial lien of Trustmark National Bank on his residential real estate and for such additional or other relief to which he may found entitled in these premises.

This the 6th day of November, 2020.

Respectfully submitted,

JOSEPH GLEN STRICKLAND

By: /s/ Edwin Woods, Jr.
ATTORNEY FOR THE DEBTOR

OF COUNSEL:

BOND BOTES & WOODS, P.C.
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Jackson, Mississippi 39211
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CERTIFICATE OF SERVICE

I, Edwin Woods, Jr., certify that I have caused a copy of the above and foregoing motion to be served upon the following via the Court's ECF filing system and by other means where appropriate:

Trustmark National Bank
1301 Washington St
Vicksburg MS 39180

U.S. Trustee
501 E Court St, Ste 6-430
Jackson MS 39201

Case Trustee, Eileen Shaffer
Po Box 1177
Jackson MS 39215

This the 6th day of November, 2020.

/s/ Edwin Woods, Jr.
Attorney for Debtor